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OFFICE OF PETITIONS

In re Application of :
Kim et al. :
Application No.: 10/645189 :
Filing or 371(c) Date: 08/21/2003 :
Attorney Docket Number:
5000-1-328 :
ON PETITION

This is a decision on the "Petition Under 37 C.F.R. § 1.181 to Withdraw Notice of Abandonment", filed May 29, 2007. The petition is properly treated as a petition to withdraw the holding of abandonment.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed October 18, 2006. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on January 19, 2007. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition, Applicant has demonstrated non-receipt of the Office Action by a preponderance of the evidence¹.

The holding of abandonment is hereby withdrawn. No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2613 for re-mailing of the Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

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Office of Petitions

¹ Office records indicate that the correspondence address was inadvertently changed by this Office for the period in question. Office records have been corrected.